

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

TIMOTHY WAYNE STEPHENS

PLAINTIFF

VS.

CIVIL ACTION NO. 4:13cv57-DPJ-FKB

SHERIFF JAMES R. MOORE, SR. and
WARDEN JOHNNY CROCKETT

DEFENDANTS

REPORT AND RECOMMENDATION

Timothy Wayne Stephens brought this action pursuant to 42 U.S.C. § 1983 challenging the conditions of his confinement as a pretrial detainee. Stephens is no longer incarcerated. On December 18, 2013, after due notice sent to Stephens's most recent address, an omnibus hearing was held. Stephens failed to appear at the hearing. For this reason, the undersigned recommends that this action be dismissed without prejudice for failure to prosecute.

The parties are hereby notified that failure to file with the Clerk written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions accepted by the district court. 28 U.S.C. § 636; Fed. R. Civ. P. 72(b); *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

Respectfully submitted, this the 26th day of December, 2013.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE